

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

EARL WRIGHT, RAMONA HOLDEN,
ETTA WILLIAMS, MICHAEL HAMILTON,
JOSEPH EKO, LINDA PHILLIPS, ELAINE
WILHELM, ANTHONY GILLESPIE, MARK
CARLISLE, VERNITA JESSIE, CHERYL
RIFE, SANDY SAMENS, RUTHIE ORTIZ
SOUDJIAN,

Plaintiffs,

v.

PUBLISHERS CLEARING HOUSE,
INCORPORATED and PUBLISHERS
CLEARING HOUSE, LLC,

Defendants.

Case No. 2:18-cv-02373 (ADS)(AYS)

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS COMPLAINT,
STRIKE CLASS ALLEGATIONS,
AND, IN THE ALTERNATIVE,
COMPEL ARBITRATION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Motion to Dismiss Complaint, Strike Class Allegations and, in the Alternative, Compel Arbitration, the Declaration of Deborah H. Renner, dated May 29, 2018, and upon all other papers and proceedings had herein, Defendants Publishers Clearing House, Incorporated and Publishers Clearing House, LLC will move this Court at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, before the Honorable Arthur D. Spatt, United States District Court Judge, at a date and time to be set by the Court, for an order: (i) dismissing the Complaint, with prejudice, under Fed. R. Civ. P. Rule 12(b)(1) and 12(b)(6), on the grounds that Plaintiffs lack standing and have failed to state a cause of action; (ii) striking the class allegations of the Complaint under Fed. R. Civ. P. 12(c)(1)(A), 23(d)(1)(D) and 12(e) on the ground that a class cannot be certified based on the face of the Complaint; and (iii) in the alternative, compelling arbitration and staying the instant action for Plaintiffs Wright, Williams,

Hamilton and Gillespie, and any other Plaintiff who is subject to the arbitration and class action waiver provision of Defendants' Terms of Use.

Dated: May 29, 2018
New York, New York

Respectfully Submitted,

BAKER & HOSTETLER LLP

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